



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 29, 2015

VIA CM/ECF AND HAND DELIVERY

The Honorable William H. Pauley III
United States District Judge
United States Courthouse
500 Pearl Street, Room 2210
New York, New York 10007

Re: *United States v. All Right, Title, and Interest in the Assets of Cartagena International, Inc.*, 13 Civ. 3028 (WHP)

Dear Judge Pauley:

In light of forfeiture resolution reached in the criminal action against claimant Alejandro Hurtado ("Hurtado"), the Government respectfully writes to request that the Court vacate the Post-Complaint Restraining Order (the "Restraining Order") that was issued on May 6, 2013, and that applied to the following properties:

- a. The condominium apartment located at 16171 Blatt Boulevard, Apartment Number 404, Weston, Florida 33326, and all appurtenances thereto;
- b. The condominium apartment located at 848 Brickell Key Drive, Apartment Number 4405, Miami, Florida 33131, and all appurtenances thereto;
- c. The condominium apartment located at 495 Brickell Avenue, Unit Number 1706, Miami, Florida 33131, and all appurtenances thereto; and
- d. The condominium apartment located at 21205 NE 37th Avenue, Unit 1601, Aventura, Florida 33180, and all appurtenances thereto;

(collectively, the "Restrained Properties"). A copy of the Restraining Order is attached hereto as Exhibit A.

On May 6, 2013, the United States commenced this action by filing a verified complaint (the "Forfeiture Complaint"), seeking, among other things, the forfeiture of the Restrained Properties. That same day, the Court granted the Government's application for the Restraining Order which prohibited Hurtado and others from, among other things, selling the Restrained Properties.

On or about August 30, 2013, Hurtado was charged in a six-count Information, 13 Cr. 673 (DLC) (the "Information") with (i) conspiracy to violate the Foreign Corrupt Practices Act

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(the “FCPA”), to violate the Travel Act, and to commit money laundering: (ii) violating the FCPA; (iii) violating the Travel Act; (iv) money laundering; (v) a conspiracy to obstruct justice and (vi) a separate conspiracy to violate the FCPA. The Information, which involved the same underlying conduct as this civil forfeiture action, contained forfeiture provisions seeking the forfeiture of all proceeds of the relevant offenses and the forfeiture of all property involved in the charged money laundering offenses. On or about August 30, 2013, Hurtado plead guilty to all six counts of the Information pursuant to a plea agreement.

Earlier this month, Hurtado was sentenced before Judge Cote. Judge Cote imposed a money judgment and entered a preliminary order of forfeiture (the “Forfeiture Order,” attached as Exhibit B). In the Forfeiture Order, Hurtado and his wife, claimant Haydee Pabon (“Pabon”), agreed that the Restrained Properties are subject to forfeiture. In regard to three of the four properties, they agreed to sell those properties and provide the net proceeds of those sales to the Government as payment on Hurtado’s money judgment. In regard to the fourth property, they agreed to a payment to the United States as substitute res for the property. Pursuant to the Forfeiture Order, if the sales or payment of the substitute res are not completed by certain deadlines, the interests of Hurtado and Pabon in these properties is forfeited and the United States will perfect the forfeiture of those properties in the criminal case.

In order to allow for Hurtado and Pabon to sell the properties and provide the net proceeds to the Government, and to mortgage the fourth property to raise the substitute funds for that property, the Government respectfully requests that the Restraining Order be vacated and lifted.

When the Government obtains final orders of forfeiture for all of relevant assets in the various criminal cases relating to this case, the Government anticipates filing a motion to terminate this action. In the meantime, the Government requests that this matter remain stayed.

Respectfully,

PREET BHARARA
United States Attorney for the
Southern District of New York

By: /s/ Jason H. Cowley
Jason H. Cowley
Assistant United States Attorney
Tel. No.: (212) 637-2479

Cc: Counsel for all parties of record, by CM/ECF